

APPROVED

City Attorney

Prepared By: Eric Thompson/JPW III
Requested: Planning Commission
Presentation on: 02/17/09
Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1182

Amendment to Text of the Zoning Ordinance Pertaining to
Article XIX, Landscape and Buffer Requirements
Sections 24-250 through 24-264
(A08-0418)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, that the text of the Zoning Ordinance of Tuscaloosa, adopted by Ordinance No. 1754 on October 3, 1972 be, and the same is hereby, amended as follows:

That Article XIX, Landscape and Buffer Requirements, Sections 24-250 through 24-263 of the Code of Tuscaloosa be amended to add article XIX as follows:

“Article XIX: Landscape and Buffer Requirements

Sec. 24-250. Statement of Intent

(a) This article recognizes the importance of trees and landscaping throughout the City and their relationship with the economic, ecological and cultural processes that give Tuscaloosa its tradition and identity. Through preservation, replacement, and maintenance of the urban forest, this article will provide a better quality of life for the citizens of Tuscaloosa while promoting the stability of residential neighborhoods making them more livable and desirable, and educating the public in the areas of preservation and conservation of the natural processes that exist within the City.

Urban landscaping aids in preventing soil erosion, siltation of streams and reservoirs and flood damage. Trees are valuable in providing shade and cooling effects, in preventing air and noise pollution, as well as preserving the character of the City.

(b) The purpose of this article is:

- 1) To promote the public health, safety and welfare by decreasing incompatibility between adjacent uses, by establishing a buffer between residential and business uses and by preserving property values;
- (2) To make Tuscaloosa, Alabama a more attractive and healthy environment in which to live, and better control noise, glare and heat;
- (3) To preserve, protect and maintain the health of existing vegetation, encourage the incorporation of plant materials, especially native plants, and ecosystems into landscape design where possible and discourage the proliferation of invasive species of plants;
- (4) To establish and maintain the maximum sustainable amount of tree cover on public and private lands in the City;
- (5) To promote the character of the City by encouraging aesthetically pleasing sustainable designs of commercial, industrial and residential areas while still allowing for innovative, diverse and cost-conscious approaches to the design, installation and maintenance of the landscape;
- (6) To promote the conservation of the local waterways and aquifers by encouraging the planting of local plant species or site specific species when possible, providing means for natural aquifer recharge; preventing excess runoff by containing the maximum amount of water on site possible and facilitating compliance with State and Federal legislation relative to water and air quality, including the Clean Air Act (42 U.S.C. §7401, et seq.) and the Clean Water Act (33 U.S.C. §1251, et seq.).

c) Scope

This article does not contain all the regulations and requirements for development activities, design and construction nor does approval of a landscape plan pursuant to the provisions herein serve as a substitute for obtaining and complying with all other applicable city ordinances, building and related codes, zoning restrictions, and other applicable regulations. Without limiting the generality of the foregoing development activities may also require building and related technical permits and inspections, compliance with zoning and subdivision ordinances and regulations. Municipal utilities

for water and sewer require compliance with separate ordinances and policies of the water and sewer department of the City.

Sec. 24-251. Applicability

(a) Property affected by this article:

(1) All property located within the Corporate Limits of the City of Tuscaloosa, Alabama.

a. The provisions of this ordinance shall apply to all new construction, development, redevelopment, or change of use for any multifamily residential, commercial, or industrial use and shall become applicable to any property for which a land development permit is required. The requirements shall remain applicable at all times once the property has become subject to these provisions.

b) Landscape Plan required.

Prior to any development on any property in the City, the developer or person in charge or control thereof submit an application to the Landscape Administrator and obtain approval of a landscape plan authorizing development on the property in accordance with the provisions of this article. A landscape plan must be submitted and approved by the Landscape Administrator prior to the issuance of a Land Development Permit or Building Permit.

Sec. 24-252. Definitions

Application: A form provided by and submitted to the Office of Planning and Economic Development by a developer desiring a landscape plan to engage in development as herein defined.

Applicant: A developer as herein defined, including applicant or developer's representative, who is applying for approval of a landscape plan.

Area: The provisions of this article shall have applicability to all site and land development projects and development activities within the corporate limits of the City and the City's police jurisdiction, including the development of subdivisions and planned unit developments (not individual lots within subdivisions).

Bioswale: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Bioswales function by slowing runoff velocities, filtering out sediment and other pollutants and by providing some infiltration into underlying soils.

Buffer: Property used to visibly separate one land use from another through screening and distance.

Caliper: The diameter or thickness of a nursery-grown tree trunk as measured at 6" above the top of the root mass.

Canopy Trees: Any of the trees listed as a canopy tree in Section 24-261, or other species approved by the landscape administrator.

City: The City of Tuscaloosa, Alabama, a Municipal Corporation, organized and operating pursuant to Ala. Code 11-44B-1 et seq. (1975), whose address is 2201 University Boulevard, Tuscaloosa, Alabama 35403.

Construction: Any improvement, replacement, alteration or renovation activity including that which erects a building or structure, including accessory use, and/or parking or landscape area or development as herein defined

Critical Root Zone: An area around a tree that is within the drip line of a tree.

DBH (diameter at breast height): The diameter of a tree 4½ feet above ground level.

Developer: Any person, firm, partnership, corporation or other legal entity engaged in or seeking to engage in development activity as herein defined including a developer that has been issued approval of a landscape plan pursuant to the provisions of this article.

Development: Any manmade or earth change to property within the City including, but not limited to, preparation of property for the construction of buildings or other structures, mining, dredging, filling, grading, regrading, paving, clearing, excavating, or drilling operations. This definition also includes changes or improvements to any property subject to these regulations such as curb and gutter, storm drainage structures, streets, drainage facilities, sidewalks, and related public or private roads and the installation of utilities.

Director: The Director of the Office of Planning and Economic Development or his designee.

Drip line: The perimeter of a tree's canopy.

Grading: Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the property in its cut or filled condition.

Green Space: Any area retained as permanently vegetated property.

Land Development Permit (LDP): A written document prepared and executed by the City Engineer or his/her designee which authorizes development in accordance with the provisions in Article 12 Chapter 21 Section 21-212 of the City Code and subject to any additional or specific requirements that may be stated therein.

Land Development Plan: A properly documented written plan, prepared, signed and stamped by a registered professional engineer, licensed in the state, consisting of a completed application with supporting documents demonstrating that development as herein defined will occur upon an identified parcel of property within the area in compliance with the provisions of this article. The land development plan shall include drainage plans in compliance with city drainage standards, and compliance with technical specifications issued by the City Engineer. An engineering drawing showing all the important physical features both existing and proposed, of a given parcel of property and abutting the right-of-way shall also be submitted with the application and form part of the plan. The land development plan will adequately and sufficiently address in accordance with the provisions of this article traffic, parking, stormwater, sanitary sewer, erosion, use of Best Management Practices (BMPs), sanitary sewer and related components.

Landscape Administrator: The staff member designated by the Director of Planning and Economic Development to administer this article.

Landscape Plan: A plan showing all plant types to be used, all planting standards and specifications, location, scheduling, stormwater mitigation areas identified and showing detailed design specification for solid type, depth and construction of said mitigation area, and any other appropriate details considered important for the compliance with this article. Also, any alternative compliance methods should be identified.

Landscaping: The treatment of grade, groundcover, vegetation and ornamentation for a given area. Landscaping shall include plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

Lot—Parcel—Plot—Property: A single undivided portion of property that is either legally recorded in the office of the Tuscaloosa County Probate Judge, or is being proposed in good faith by well-prepared plan drawings for the purpose of being legally recorded. It is the responsibility of the property owner (or his/her agent) to insure that the property is legally recorded with the office of the Tuscaloosa County Probate Judge.

Low Impact Development (LID): A set of approaches and practices intended to reduce runoff of water and pollutants from the site at which they are generated by means of infiltration, evapotranspiration, and reuse of runoff. LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water.

Park: Any public property set aside for open space and recreation purposes.

Parking Area: The paved area including parking spaces and abutting isle ways.

Parking Lot: A surface used for the parking, storage or display of motor vehicles, boats, recreational vehicles, etc.

Parking Space: A delineated area reserved for the parking of a single vehicle.

Perimeter Planting Strip: Property located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Property Line: The boundary between 2 or more lots.

Street Tree or Trees: Any existing tree or any tree to be planted on the street right-of-way.

Rain Garden: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Filter strips function by slowing runoff velocities, filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

Redevelopment: The demolition and/or rebuilding or expansion of a site's physical development in association with the following guidelines:

- 1) If the original building size is less than 2,000 square feet, then a 25 percent or greater expansion of the building will require compliance with this article;
- 2) If the building size is between 2,001 square feet and 5,000 square feet, then a 20 percent or greater expansion of the building will require compliance with this article;
- 3) If the building size is between 5,001 square feet and 10,000 square feet, then a 15 percent or greater expansion of the building will require compliance with this article;
- 4) If the building size is over 10,000 square feet, then a 10 percent or greater expansion of the building will require compliance with this article.

Right-of-way: A general term denoting public ownership or interest in property, usually in a strip which has been acquired for or devoted to the use of a street or alley.

Runoff: The water from precipitation that flows over the ground.

Shrub: A low growing usually multi-stemmed, woody plant.

Stormwater: As defined in Section 21-151 of the City Code of Tuscaloosa.

Street Trees: Any existing tree or any tree to be planted on the street right-of-way.

Tree: A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

Canopy (Large Maturing) — Single trunk whose height is greater than 35 feet at maturity, or

Understory (Small Maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Tree, Blighted: Any tree that does not exhibit healthy characteristics and is determined to be hazardous as determined by the Director.

Tree, Dead: A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Tree, Deciduous: Any tree which naturally loses its leaves in the Fall.

Tree, Mature: Any tree which has attained the capability of flowering and reproducing.

Tree, Private: Any tree located on private property.

Tree, Public: Any tree located on City property or State, County or City right-of-way.

Tree, Replacement: A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Tree, Understory: Understory tree species used shall have an average mature crown spread of at least 15 feet when grown in Tuscaloosa, Alabama. Understory tree species shall be a minimum of 5 feet in height and have a caliper of at least 1½ inches immediately after planting.

Tree Planting Standards and Specifications: The design standards and specifications adopted for the planting or maintenance of trees.

Tree Protection and/or Planting Plan (TP/PP): A plan that identifies Tree Protection Areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Protection Area (TPA): Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this article. The TPA shall include no less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees collectively.

Tree Save Area: All areas designated for the purpose of meeting tree density requirements and/or preserving natural buffers.

Utility Easement: The right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, television cable, telephone and electric cables. Also includes corridors on Public rights-of-way occupied by overhead utility lines.

Vegetated: Any ground surface covered with plant life.

Sec. 24-253. Landscape plan submittal requirements

(a) **Approval.** A landscape plan must be submitted and approved by the Landscape Administrator prior to the issuance of a Land Development Permit or Building Permit.

(b) **Format and materials**

The landscaping plan and details shall be drawn to the same standard scale as the development plan or a scale which shows all landscaping accurately. Landscape plans shall be included in the Land Development Plan submitted to the City Engineer as part of an application for a Land Development Permit and the Building Official as part of an application for a building permit as applicable. All landscape plans must be reviewed and approved by the Landscape Administrator.

(c) **General information:**

Complete landscape plans submitted for review and approval shall include the following:

(1) Title block, showing the title of the development, the name and address of the owner/developer, the name and address of the person or firm preparing the plan, the date of preparation, the scale, the north point, and the date of all revisions.

(2) A location map, showing the relative location of the site to the nearest existing public street intersection.

(3) The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements.

(4) The required number of parking spaces and the proposed number of parking spaces of subject property/development.

(5) Location and dimensions of all entrances and exits of the parking lot and the manner in which vehicles will be parked, and the location and names of all utility lines, easements or rights-of-ways on, or adjacent to, the site.

(6) All details needed to communicate appearance, and methods of construction and/or installation.

(7) A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name, cultivar or variety if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.

(8) Location of all existing and proposed buildings, accessory structures and paved areas.

24-254. General Requirements

(a) Site protection and general planting requirements

(1) Topsoil. To the extent needed and practical, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.

(2) Existing trees. Preservation of each existing healthy tree of an approved species (see attached table), within required landscape areas, shall count toward fulfillment of the requirements of this section.

a. The existing tree to be preserved must be approved by the Landscape Administrator to receive credit toward meeting the requirements of this section.

- b. Existing trees that are credited towards meeting the requirements of this section shall be subject to the same maintenance and replacement requirements as newly planted trees.
- (3) Each existing tree that is credited towards meeting the requirements of this section may reduce the number of required parking spaces as specified in Section 24-256 of this article.
- (4) Slope plantings. Landscaping of all cuts and fills and/or terraces shall be matted or protected until plant cover is adequate to control erosion.
- (5) Plantings within Utility Company Easements must comply with the following:
 - a. Minimum distances measured horizontally from trees to overhead utility lines shall be:
 - (i) Canopy Trees: 30 feet
 - (ii) Understory Trees 15 feet
 - b. The location and species of trees proposed for location in utility easements shall be approved before installation.
 - c. Any part of a tree growing within 15 feet of an overhead utility line will require maintenance by a certified line trimmer approved by any affected utility companies.
 - d. This Article shall not be construed to impair the following: (1) the right of eminent domain granted by State laws to utilities, whether public or private, or (2) a utilities right to design, locate, erect, construct, re-construct, alter, protect or maintain utility poles, drainage ditches, structures, towers, lines, conduits, pipes or mains reasonably required in the public service or (3) a utilities right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license or easement. Maintenance, repair, and extension of any public and private utility lines or related infrastructure are expressly allowed. The preceding will apply to work done by the utility's employees, agents and contractors doing work for the utility.

- (6) All plantings shall maintain a 3 foot clearance around all fire suppression equipment as well as a clear, accessible path, visible from the main approach.
- (b) Garbage and/or Trash Receptacles
 - (1) All commercial garbage and/or trash receptacles shall be placed on a pad approved by the City Engineer that allows for pick-up and maintenance as needed.
 - (2) All commercial garbage and/or trash receptacles shall be screened by a hedge and/or structure which is impermeable to sight from the main right-of-way. If hedges are to be used, the hedge must be 4 feet tall when planted and capable of reaching a height of 6 feet within 2 years. Any screening structure shall be a minimum of 6 feet tall when installed.
 - (3) Garbage and/or trash receptacles which are located behind buildings shall be screened from sight from public rights-of-way.
 - (4) Garbage and/or trash receptacle sites shall not be located within landscaped areas that are required by this article.

Sec. 24-255. Landscaping Requirements.

In addition to the provisions in section 24-254, the following requirements shall apply to all parking lots and required buffers:

(a) Perimeter planting requirements for parking areas

- (1) A continuous perimeter planting strip, exclusive of access driveways and other approved penetrations, with a minimum width of 10 feet measured from the edge of the parking area, is required. Existing street trees may be applied towards perimeter planting requirements along public rights-of-way.
- (2) Canopy trees are required, and trees of a minimum 2 inches in caliper and 12 feet high shall be planted at a maximum of 50 foot on center. Minimum lateral separation from overhead utilities shall be 30 feet for canopy trees. Shrubbery with a minimum 18-inch height at installation capable of forming a minimum 3 foot high evergreen hedge shall be provided in the landscape areas adjacent to public rights-of-way. In the event that pre-existing overhead

utility lines prevent the use of canopy trees, understory trees shall be planted on 30 to 40 feet centers.

- (3) Planting strips are to be sodded, seeded, mulched or planted with shrubs or ground cover so as to leave no bare ground after landscape materials have been installed and permitted to grow for 2 years.
- (4) Existing trees which meet, in whole or in part, the perimeter and internal planting requirements, may be applied toward the landscape requirements.
- (5) No required landscaping shall be installed in proximity to the intersection of two rights-of-way that will result in an obstruction of vision as determined by the traffic engineer.
- (6) Stormwater inlets shall be located within a perimeter planting strip and incorporate bioswales, rain gardens or other staff approved stormwater mitigation techniques to promote infiltration and reduce stormwater runoff and non-point source pollution. Alternative designs that accomplish the intent of this ordinance may be permitted under Section 24-258.

(b) Internal planting requirements

- (1) Based on parking area size and layout, trees shall be planted within landscape islands within the paved parking area so that every parking space is within 60 feet of the trunk of a tree. Perimeter trees and street trees as outlined above may be used to satisfy this requirement.
- (2) There shall be no more than 12 contiguous (linear) parking spaces without a landscape island. Trees are required in the landscape island. A landscape island used to satisfy this requirement shall contain a minimum of 250 square feet of area per tree with a minimum width of 8 feet. Tree size and spacing are the same as for the perimeter planting requirements. Shrubbery shall be provided in the island.
- (3) Landscape islands, based on the above requirements, shall be sodded, seeded mulched or planted with shrubs and/or groundcover.

- (4) The integration of Low Impact Development techniques as part of the landscape plan shall be required and may be used to meet these requirements.
- (5) All stormwater inlets shall be located within a landscape island and incorporate rain gardens, bioswales or other staff approved stormwater mitigation techniques to promote infiltration and reduce stormwater runoff and non-point source pollution.

(c) Buffer Planting Requirements

(1) Standards.

- a. In order to decrease incompatibility between adjacent uses, an appropriate landscaped buffer shall be required. Planted buffers shall provide a visually impervious barrier, be uniformly dense at all heights from the ground, and be a minimum of 4 feet above grade throughout the entire length and width of the planting. The buffer shall be planted with at least one (1) tree that qualifies as a canopy tree, for each 30 linear feet of buffer. Within one (1) year after installation, that portion of the buffer planted as prescribed above shall be at least 6 feet above grade throughout the entire length of the planting.
- b. Walls and fences may be permitted within the required buffer, however, no such wall or fence may be used to reduce or exempt the property from compliance with the buffer planting requirements. The location of the fence or wall within the buffer shall be approved by the Landscape Administrator.
- c. All walls and fences located within buffer areas shall be finished on both sides with the same type of finish.

(2) Buffer Widths

- (a) The following widths and wall standards shall apply to all buffers required by this chapter. Where there is a conflict between perimeter planting requirements and buffer planting requirements, the more stringent provision shall apply.
 - 1. Industrial zones and/or uses adjacent to residential uses/zones:
50 foot

2. Commercial zones and/or uses adjacent to residential uses/zones.
The property owner shall choose one of the following options:
 - a. 35 feet
 - b. 15 feet with an opaque wall constructed along the property line
 - c. 10 feet with an opaque wall constructed along the property line and parking lot constructed between the buildings and the buffer.
 3. Multi-family residential zones and/or uses adjacent to residential zones/uses:
20 feet
- (b) Where an opaque wall is required by Section 24-255(c)(2)(a), such wall shall be at least 6 feet in height and constructed of masonry materials including, but not limited to, Architectural CMU, brick, stone, stucco, or comparable masonry products. Cementitious siding materials, cast stone, and other commercially available synthetic or simulated masonry products may be used alternately or in combination with any of the materials listed above.
- (c) Where walls are required in accordance with this section, the prescribed trees shall be spaced no further than 30 feet apart.
- (d) No wall shall be constructed of wood, PVC or vinyl.

Sec. 24-256. Tree Preservation and Off-Street Parking Credits

The following section provides incentives for the reduction of impermeable surface through the addition of landscaping.

The following section only applies to commercial parking lots and in no case shall the combined reduction in parking exceed the following criteria: 10% for parking lots containing 1-74 spaces; 15% for parking lots containing 75-125 spaces and 25% for parking lots containing 126 or more spaces.

- (a) Trees which meet the perimeter planting requirements, whether existing or new, may be counted as 1 parking space per tree and be used to fulfill the total parking requirement of the development not exceeding the following percentages:
- (1) Minimum parking requirements of 1 – 74 spaces: 10%
 - (2) Minimum parking requirements of 75 – 125 spaces: 15 %
 - (3) Minimum parking requirements of 126 or more: 25 %

(b) Interior landscape islands may be counted as 2 parking spaces per island and may be used to fulfill a portion of the total parking requirement of the development not exceeding the following percentages:

- (1) Minimum parking requirements of 1 – 74 spaces: 10%
- (2) Minimum parking requirements of 75 – 125 spaces: 15 %
- (3) Minimum parking requirements of 126 or more: 25 %

(c) Tree Preservation and Credit: Existing healthy trees may be included in the minimum planting requirements and credited toward trees required by this article in a landscape plan as per the following schedule:

DBH of preserved tree(s)	Number of trees credited
9-19 inches	2
20-25 inches	3
26-29 inches	4
30-35 inches	5
36 inches or greater	6

- (1) A tree proposed for use as a credit to satisfy minimum planting requirements must be approved as part of the site plan review process.
- (2) The landscape area surrounding a preserved tree shall be located so that the trunk of the tree is as close to the center of the landscape area as practical, and specific preservation practices shall be followed to insure exchange of water and oxygen to the root zone.

(d) Protection of Preserved Trees during Construction

Existing tree(s) shall only be credited where the following management standards are met:

- (1) During construction, the critical root zone of the tree(s) to be preserved shall be fenced and protected from compaction, trenching, harmful grade changes and/or other injury and be shown on an approved landscape plan.
- (2) Pavement, building foundations or other impervious surfaces shall not encroach into the critical root zone, unless specific preservation practices are followed to insure exchange of oxygen, water and nutrients to the root system.

- (3) Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use may be located within the critical root zone only if specific preservation practices are followed to insure exchange of oxygen, water and nutrients to the root system.

Sec. 24-257. Compliance

The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor for any criteria for which this article applies must certify to the Landscape Administrator that the landscaping has been installed to meet the minimum requirements of this article. The site will be inspected by the Landscape Administrator before a final certificate of occupancy will be issued.

In the event that inclement weather delays the installation of landscape materials, the developer may make a written request to the Landscape Administrator for an extension to the time of completion for the planting schedule in the approved landscape plan. The request must specifically state the reason for the delay as well as an estimated date for completion. Failure to complete the installation within 15 days of specified date will constitute non-compliance.

Sec. 24-258. Alternative Compliance

(a) Intent

The Landscape Requirements are intended to encourage development practices which are conscious of the character of the City and its ecological processes. Conditions associated with individual sites may under certain circumstances warrant approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the Purpose and Intent of this article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present, the Landscape Administrator shall have authority to adjust the requirements of this chapter as provided in subsection (b).

(b) Request for Alternative Compliance Review

Requests for alternative compliance must be made in writing at the time of submittal of the landscape plan for approval by the landscape administrator, when one or more of the following conditions are met:

- (1) Improved environmental quality would result from alternative compliance.

- (2) Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
- (3) Spatial Limitations, unusual shaped pieces of property, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
- (4) Public safety considerations make alternative compliance appropriate.
- (5) Public Improvement projects make alternative compliance appropriate.
- (6) The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

Sec. 24-259. Landscaping Requirements for Urban Areas

Within the area platted and known as the Original City Survey and within the area described in Section 24-220a(2), otherwise known as the University Area Neighborhood, landscaping shall be provided on the public right-of-way adjacent to any development as applicable in Section 24-221, in accordance with Exhibit "A", Typical Street Cross Section, and Exhibit "B", Typical Street Cross Section with Overhead Utilities and meeting the approval of the director of TDOT. Both Exhibits "A" and "B" are adopted herein by reference and shall remain on file in the Office of Planning and Economic Development.

Sec. 24-260. Maintenance

The owner of property developed in accordance with an approved landscape plan shall be responsible for maintaining all landscaping in good condition. The maintenance required under this section shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this ordinance.

Sec. 24-261. Approved Tree List

Trees contained in the following list are preapproved for use and meet the requirements of this article. Any tree which is not on this list may be submitted for approval to the landscape administrator prior to the approval of a Land Development Permit. Trees which exhibit poor health characteristics, are not native to the climate range in Tuscaloosa or are considered invasive will not be approved for installation.

Scientific Name

Common Name

Canopy Trees

Acer spp.
Betula nigra
Carpinus caroliniana
Carya spp.
Cedrus deodora
Celtus laevigata
Cornus x 'Rutican'
Cryptomeria japonica
Fagus grandifolia
Fraxinus americana
Fraxinus pennsylvanica
Ginkgo biloba
Juniperus virginiana
Liquidambar styraciflua 'Rotundaloba'
Liriodendron tulipifera
Magnolia grandiflora
Magnolia virginiana
Metasequoia glyptostroboides
Nyssa sylvatica
Ostrya virginiana
Oxydendrum arboreum
Pistacia chinense
Platanus occidentalis
Quercus spp.
Salix alba
Salix babylonica
Sequoia sempervirens
Taxodium distichum
Taxodium ascendens
Tsuga canadensis
Ulmus alata
Ulmus parvifolia
Zelkova serrata

Maple Tree
River Birch
American Hornbeam
Hickory
Deodor Cedar
Sugar Hackberry
Constellation Dogwood
Japanese Cryptomeria
American Beech
White Ash
Green Ash
Ginkgo
Eastern Red Cedar
Fruitless Sweetgum
Tulip Tree
Southern Magnolia
Sweet Bay Magnolia
Dawn Redwood
Black Gum
Hophornbeam
Sourwood
Chinese Pistache
Sycamore
Oak Tree
White Willow
Weeping Willow
Redwood
Bald Cypress
Pond Bald Cypress
Hemlock
Winged Elm
Lacebark Elm
Japanese Zelkova

Understory Trees

Acer palmatum
Amalanchier x 'Autumn Brilliance'
Cercis canadensis
Cornus florida
Cornus kousa
Crataegus phaenopyrum

Japanese Maple
Autumn Brilliance Serviceberry
Eastern Redbud
Flowering Dogwood
Kousa Dogwood
Washington Hawthorn

Ilex latifolia	Lusterleaf Holly
Ilex x attenuate	Foster Holly
Ilex x 'Emily Bruner'	Emily Bruner Holly
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly
Ilex verticillata	Winterberry
Juniperus virginiana 'Idylwild'	Idylwild Juniper
Lagerstroemia indica	Crapemyrtle
Magnolia stellata	Star Magnolia
Magnolia x soulangiana	Saucer Magnolia
Malus spp.	Crabapple
Myrica cerifera	Southern Wax Myrtle
Osmanthus fortunei	Fortune's Osmanthus
Osmanthus fragrans	Tea Olive
Prunus serrulata	Japanese Flowering Cherry
Prunus subhirtella	Higan Cherry
Prunus x yedoensis	Yoshino Cherry
Thuja occidentalis	Arborvitae
Vitex agnus-castus	Lilac Chaste Tree

Sec. 24-262. Legal Aspects, Other Regulations.

All local, state and federal laws and regulations shall be considered when interpreting provisions of this article or technical specifications promulgated pursuant to this article. In each instance, the more restrictive requirement shall govern unless sound engineering judgment can determine and prove that the more restrictive requirement would be otherwise unnecessary. In most instances, laws and regulations that are phrased more explicitly shall apply over those items that are not phrased as precisely.

Nothing herein contained shall authorize a person to engage in development or earth changes within the area defined herein in a manner inconsistent with current zoning or subdivision regulations or other applicable codes or ordinances. All development or earth changing activity within the area defined herein shall be in conformity with current zoning or subdivision regulations and all other applicable codes or ordinances.

A landscape plan does not authorize any person or developer to engage in any activity that would violate any other applicable code, ordinance, regulation or state or federal laws nor substitute for obtaining any licenses or permits otherwise required.

Sec. 24-263. Penalty for violation.

Any person, firm, corporation, or agent, who shall violate a provision of the code herein adopted or fails to comply therewith or with any of the provisions thereof, shall be

guilty of a misdemeanor and, on conviction, be punished as provided for in section 1-8 of the Code of the City of Tuscaloosa. The violation of or the noncompliance with each individual requirement, rule or regulation, of such code, and each day's continuation thereof, shall constitute a separate and distinct offense.

Sec. 24-264. Effective Date.

This ordinance is effective immediately upon passage and publication. The provisions contained herein shall not apply to the completion of a development that on or before the effective date has a current land development permit or current building permit, or to the completion of a planned unit development or riverfront development with final approval, but shall apply to redevelopment, change of use or expansion of such a development pursuant to Section 24-251. However, if the land development permit or building permit or approved planned unit development or riverfront development lapses or expires, all provisions contained herein shall apply.

APPROVED:

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____